

EXHIBIT 9

From: Leone, John (AG) <leonej@michigan.gov>
Sent: Friday, September 28, 2018 1:58 PM
To: Lawrence Kogan <lkogan@koganlawgroup.com>; Kelly, Douglas R. (DKelly@clarkhill.com) <DKelly@clarkhill.com>; Bolton, Jordan S. <jbolton@clarkhill.com>
Cc: Rudolph, Brian (DEQ) <RUDOLPHB1@michigan.gov>; Kruger, Kyle (DNR) <KRUGERK@michigan.gov>; Pawloski, Jim (DEQ) <PAWLOSKIJ@michigan.gov>; Fusco, Mario (DEQ) <FUSCOM@michigan.gov>
Subject: NOTICE IS HEREBY GIVEN TO BOYCE HYDRO POWER, LLC

Counsel,

NOTICE IS HEREBY GIVEN TO BOYCE HYDRO POWER, LLC: The Part 301 Permit No. 13-26-0014-P issued July 14, 2014 (copy attached) authorizes very specific conduct for very specific purposes and authorizes nothing other than what is stated in the permit.

During visits to Bay City for depositions this past week there was at various times discussions between and among Mr. Mueller, counsel Mr. Kogan, myself, and/or state employees Brain Rudolph, Kyle Kruger regarding the topic of drawdown of the water level of Wixom Lake. I was directly informed by Mr. Mueller and Mr. Kogan that Boyce Hydro had already commenced raising the Edenville Dam gate to allow water passage for a drawdown of Lake Wixom, but not only for the purpose and to the extent necessary for the 4-foot drawdown needed to conduct the FERC-related (but now MDEQ Dam Safety) spillway inspections. I was informed that Boyce Hydro also was raising the dam gates for the purpose of a drawdown exceeding 4 feet and even up to an 8-foot drawdown. I was informed that Boyce Hydro might consider that a drawdown of Wixom Lake via the Edenville Dam exceeding 4-feet and/or for purposes other than the FERC-related /MDEQ Dam Safety inspections may be authorized under the Part 301 Permit No. 13-26-0014-P. This is absolutely not the accurate.

The Part 301 Permit No. 13-26-0014-P issued July 14, 2014 (copy attached) authorizes very specific conduct for very specific purposes and authorizes nothing other than the conduct and for the purposes stated in Permit No. 13-26-0014-P. Any and all discussions between and among Mr. Mueller, counsel Mr. Kogan, myself, and/or state employees Brain Rudolph, Kyle Kruger regarding the topic of drawdown of the water level of Wixom Lake did not constitute any variance from the limits of what is authorized as stated in permit No. 13-26-0014-P.

Please contact me directly regarding this matter. I consider this issue to fall within the current litigation (Gladwin Circus Curt Case No. 2016-8538-CE) as any and all drawdown activity may very well result in adverse impact to the natural resources of the State of Michigan.

John
Direct: 517-335-0694